

EXHIBIT 13

***REDACTED VERSION
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EXHIBIT 13

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 Case No. 17-cv-00939-WHA

5 -----x
6 WAYMO LLC,
7 Plaintiff,
8 - against -
9 UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC;
10 OTTO TRUCKING LLC,
11 Defendants.
12 -----x

13
14 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
15

16 Videotaped 30(b)(6) Deposition
17 of GARY BROWN, taken by Defendants, held
18 at the offices of Morrison & Foerster LLP,
250 West 55th Street, at 9:59 a.m. on August
19 8, 2017, New York, New York, before Jineen
Pavesi, a Registered Professional Reporter,
20 Registered Merit Reporter, Certified Realtime
Reporter and Notary Public of the State of New York.

21
22
23
24 Job No. 2671217A
25 Pages 1 - 305

1 correct? 12:14:17PM

2 A. That seems accurate. 12:14:17PM

3 Q. And it was returned on February 12:14:19PM

4 9, 2016, is that correct? 12:14:24PM

5 A. That means it was collected and 12:14:28PM

6 brought back by the inventory people on 12:14:30PM

7 February 9, 2016, yes. 12:14:33PM

8 Q. And then approximately 15 days 12:14:36PM

9 later, on February 24, 2016, that 12:14:41PM

10 workstation was reallocated to an 12:14:44PM

11 individual named [REDACTED] is that 12:14:48PM

12 correct? 12:14:51PM

13 A. That's what this says. 12:14:51PM

14 Q. And Waymo performed no forensic 12:14:53PM

15 investigation into the workstation 12:14:56PM

16 assigned to Mr. Levandowski for an over 12:14:59PM

17 three-year period during his employment at 12:15:03PM

18 Waymo, is that correct? 12:15:06PM

19 MR. BAKER: Objection to form. 12:15:07PM

20 A. When an employee is terminated, 12:15:09PM

21 tickets are generated for inventory 12:15:12PM

22 management individuals to collect their 12:15:15PM

23 assets, check if that individual is 12:15:18PM

24 currently on a hold that would forbid 12:15:25PM

25 reimage, and then the asset is either 12:15:30PM

1 retired or refurbished and redeployed if 12:15:37PM
2 deemed still within its life span. 12:15:44PM
3 Q. Waymo performed no forensic 12:15:51PM
4 investigation into the Hewlett-Packard 12:15:52PM
5 workstation assigned to Mr. Levandowski 12:15:55PM
6 for an over three-year period during his 12:15:58PM
7 employment at Waymo, is that correct? 12:16:00PM
8 MR. BAKER: Objection to form. 12:16:02PM
9 A. That is correct. 12:16:07PM
10 Q. The Hewlett-Packard workstation 12:16:11PM
11 assigned to Mr. Levandowski from 2012 to 12:16:13PM
12 2016 is a computer -- is it a desktop 12:16:19PM
13 computer? 12:16:26PM
14 A. It appears to be, yes. 12:16:27PM
15 Q. And that would have existed in 12:16:28PM
16 his office at Waymo, right? 12:16:31PM
17 A. Presumably. 12:16:34PM
18 Q. And it would have been 12:16:35PM
19 something he used in the three-and-a-half 12:16:36PM
20 year period that it was assigned to him in 12:16:40PM
21 his office at Waymo, correct? 12:16:43PM
22 MR. BAKER: Objection to form. 12:16:44PM
23 A. Possibly, but not necessarily. 12:16:46PM
24 Q. But you don't know one way or 12:16:51PM
25 the other if he used it? 12:16:52PM

1	A.	No.	12:16:53PM
2	Q.	And nobody asked you to	12:16:54PM
3		inquire, to conduct a forensic review of	12:16:58PM
4		that device to determine if he did	12:17:00PM
5		anything improper with it, correct?	12:17:07PM
6	A.	That is correct, but with the	12:17:13PM
7		caveat that the lack of analysis of	12:17:17PM
8		another machine does not wash away the	12:17:22PM
9		wrongdoings on another machine, that's no	12:17:25PM
10		indication of not doing something.	12:17:28PM
11	Q.	In order to determine the full	12:17:35PM
12		scope of potential wrongdoing, in your	12:17:39PM
13		opinion should Waymo have conducted a	12:17:43PM
14		forensic investigation of the	12:17:46PM
15		Hewlett-Packard workstation?	12:17:47PM
16		MR. BAKER: Objection to form.	12:17:49PM
17	A.	All feasible rocks should be	12:17:57PM
18		turned over, but there have been multiple	12:18:02PM
19		occurrences where inventory management	12:18:07PM
20		personnel reimaged devices before forensic	12:18:12PM
21		analysis could take place.	12:18:18PM
22	Q.	And in your opinion, one	12:18:22PM
23		feasible rock that should have been turned	12:18:29PM
24		over was a review of the Hewlett-Packard	12:18:30PM
25		workstation assigned to Mr. Levandowski,	12:18:34PM

1 is that correct? 12:18:37PM

2 MR. BAKER: Objection to form. 12:18:37PM

3 A. As a forensic analyst, the more 12:18:42PM

4 information, the better. 12:18:44PM

5 But as I said before, it 12:18:47PM

6 doesn't undo other indicators that were 12:18:50PM

7 positively found. 12:18:55PM

8 Q. As a forensic analyst, wouldn't 12:19:02PM

9 you want to know if the card reader was 12:19:07PM

10 attached to the workstation? 12:19:09PM

11 MR. BAKER: Objection to form. 12:19:11PM

12 A. Yes. 12:19:18PM

13 Q. But you don't know the answer 12:19:19PM

14 to that question, right? 12:19:21PM

15 A. Not currently. 12:19:24PM

16 Q. Waymo would never know the 12:19:26PM

17 answer to that question, correct? 12:19:29PM

18 MR. BAKER: Objection to form. 12:19:31PM

19 A. That's uncertain. 12:19:43PM

20 Q. Why is that uncertain? 12:19:45PM

21 A. Depending on retention and host 12:19:50PM

22 monitoring agents, it could potentially be 12:20:00PM

23 determined whether some classes of USB 12:20:08PM

24 devices were connected to these machines, 12:20:12PM

25 but I also would not feel comfortable 12:20:16PM

1	the record.	12:22:50PM
2	THE VIDEO TECHNICIAN: Time is	12:22:50PM
3	12:24.	12:22:52PM
4	This is end of video 1 and	12:22:54PM
5	we're off the record.	12:22:55PM
6	(Witness and counsel left the	12:22:57PM
7	hearing room to confer.)	12:22:57PM
8	(Pause.)	12:22:57PM
9	(Witness and counsel reentered	12:22:57PM
10	the hearing room.)	12:25:13PM
11	THE VIDEO TECHNICIAN: Time is	12:25:13PM
12	12:23, we're on the record.	12:25:21PM
13	This is video 2.	12:25:24PM
14	BY MS. GOODMAN:	12:25:25PM
15	Q. Mr. Brown, my question to you	12:25:26PM
16	before the break was why didn't Waymo	12:25:27PM
17	conduct a forensic investigation on the	12:25:30PM
18	Hewlett-Packard workstation?	12:25:33PM
19	A. I don't know.	12:25:35PM
20	Q. Does Waymo know?	12:25:39PM
21	A. No.	12:25:39PM
22	Q. In your opinion as a forensic	12:25:44PM
23	analyst, should Waymo have conducted a	12:25:47PM
24	forensic investigation on the	12:25:51PM
25	Hewlett-Packard workstation?	12:25:53PM

1 MR. BAKER: Objection to form. 12:25:55PM

2 A. As I said before, more data is 12:26:01PM

3 always nice to have, but it is not 12:26:03PM

4 explicitly necessary or make or break 12:26:11PM

5 anything if you can get other information 12:26:15PM

6 other ways. 12:26:17PM

7 Q. If Waymo had conducted a 12:26:19PM

8 forensic investigation on the 12:26:21PM

9 Hewlett-Packard workstation, couldn't that 12:26:23PM

10 investigation have uncovered routine use 12:26:27PM

11 of, for example, the SVN repository? 12:26:33PM

12 MR. BAKER: Objection to form. 12:26:36PM

13 A. Routine use of the SVN 12:26:45PM

14 repository could have also been apparent 12:26:50PM

15 from DNS traffic from that host or from 12:26:56PM

16 the server side logs as well and those 12:27:06PM

17 were not apparent. 12:27:12PM

18 And also if you are routinely 12:27:19PM

19 using this SVN server, you probably don't 12:27:22PM

20 need to look up instructions for how to 12:27:25PM

21 use it or how to connect to it even. 12:27:27PM

22 Q. That's your speculation, 12:27:29PM

23 though, correct? 12:27:31PM

24 MR. BAKER: Objection to form. 12:27:32PM

25 A. Yes. 12:27:33PM

1 So given that it was seen one 01:09:37PM
2 way, we thought, well, we have these 01:09:42PM
3 sources, let's see what other ways exist. 01:09:46PM
4 Q. Did somebody tell you that 01:09:49PM
5 Mr. Levandowski downloaded 14,000 files on 01:09:52PM
6 December 11, 2015? 01:09:55PM
7 A. Yes. 01:09:59PM
8 Q. Who told you that? 01:10:00PM
9 MR. BAKER: You can give a 01:10:03PM
10 name. 01:10:04PM
11 A. [REDACTED]. 01:10:04PM
12 Q. Back on Exhibit 13 -- sorry, I 01:10:10PM
13 forgot the number? 01:10:17PM
14 A. 1313? 01:10:17PM
15 Q. The one in front of you. 01:10:18PM
16 A. 14. 01:10:20PM
17 Q. 29372, the keyword searches 01:10:21PM
18 that are reflected on that page 29372, 01:10:25PM
19 when were those run on Mr. Kshirsagar's 01:10:28PM
20 devices? 01:10:34PM
21 A. I don't know at this time. 01:10:38PM
22 Q. Does Waymo know? 01:10:40PM
23 A. Not right now. 01:10:42PM
24 Q. Does Waymo know when these 01:10:44PM
25 keywords were run on Mr. Levandowski's 01:10:47PM

1 Do you see that? 04:26:18PM
2 A. I do. 04:26:19PM
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 MR. BAKER: Objection to form. 04:27:05PM
18 A. Also, as a professional log 04:27:09PM
19 diver, I'll call myself, when we're doing 04:27:13PM
20 investigations, we don't keep things that 04:27:17PM
21 are not deemed explicitly relevant for 04:27:24PM
22 what we are trying to prove. 04:27:26PM
23 It is bad data stewardship, it 04:27:31PM
24 takes up space, and it makes noise. 04:27:34PM
25 Q. What were you asked to prove 04:27:36PM

1 here? 04:27:38PM

2 MR. BAKER: Objection, I am 04:27:39PM

3 going to caution you not to reveal the 04:27:43PM

4 substance of any attorney-client 04:27:44PM

5 communications. 04:27:46PM

6 If you can answer that question 04:27:46PM

7 without doing that, please do. 04:27:48PM

8 A. I did not pull the SVN log 04:27:52PM

9 data, I'm just speaking to the frame of 04:27:55PM

10 mind of why the entirety of all users' 04:27:56PM

11 logs may not be present. 04:28:04PM

12 For example, in what I've 04:28:05PM

13 produced to support my declaration, I'm 04:28:07PM

14 not pulling and presenting the [REDACTED] logs 04:28:10PM

15 of any of a hundred thousand other Google 04:28:13PM

16 employees because it is simply not 04:28:16PM

17 relevant to the investigation at hand. 04:28:18PM

18 Q. That wasn't my question. 04:28:20PM

19 What were you being asked to 04:28:25PM

20 prove as part of your forensic 04:28:26PM

21 investigation? 04:28:27PM

22 MR. BAKER: Same instruction 04:28:27PM

23 and also objection to the form. 04:28:28PM

24 A. These logs showed that 14,000 04:28:33PM

25 files and change were downloaded on 04:28:36PM

1 December 11th from an IP address that 04:28:39PM
2 could be traced to Mr. Levandowski's work 04:28:42PM
3 computer. 04:28:44PM
4 Q. When were you asked to prove 04:28:44PM
5 that? 04:28:45PM
6 MR. BAKER: Objection to form. 04:28:50PM
7 A. Sometime between August and 04:28:51PM
8 October 2016. 04:28:53PM
9 Q. Why didn't you look at the SVN 04:28:57PM
10 log data when you were first engaged in 04:28:59PM
11 the investigation in February or March of 04:29:01PM
12 2015 -- sorry, of 2016? 04:29:02PM
13 A. I did not know it existed. 04:29:14PM
14 Q. Wouldn't it be important for 04:29:15PM
15 you as a person involved with incident 04:29:17PM
16 responses to know where the various data 04:29:18PM
17 repositories were? 04:29:20PM
18 MR. BAKER: Objection to form. 04:29:26PM
19 A. It would. 04:29:26PM
20 Q. Did you ask anybody are there 04:29:28PM
21 any unusual places people store important 04:29:29PM
22 information? 04:29:32PM
23 A. We did. 04:29:35PM
24 Q. And who did you talk to? 04:29:36PM
25 A. Various people that were in 04:29:46PM

1 different ways tangentially associated 04:29:52PM
2 with the investigation. 04:29:55PM
3 Q. Did you talk to anyone that was 04:29:56PM
4 involved in the Chauffeur program? 04:29:58PM
5 A. Not directly. 04:30:02PM
6 Q. Indirectly? 04:30:05PM
7 A. I believe so. 04:30:07PM
8 Q. Who did you hear about 04:30:11PM
9 indirectly? 04:30:13PM
10 A. Can you repeat that. 04:30:17PM
11 Q. Yes. 04:30:17PM
12 You said that you believe that 04:30:18PM
13 you talked to someone indirectly that was 04:30:21PM
14 in the Chauffeur program and I am just 04:30:25PM
15 trying to figure out who that person was. 04:30:27PM
16 A. I am not sure. 04:30:29PM
17 Q. Did you look at [REDACTED] data 04:30:30PM
18 as part of your investigation in March? 04:30:33PM
19 A. Yes. 04:30:36PM
20 Q. What about [REDACTED] data, [REDACTED] 04:30:36PM
21 logs? 04:30:43PM
22 A. [REDACTED] would not -- not in 04:30:44PM
23 March, but possibly -- possibly in March 04:30:50PM
24 too. 04:30:54PM
25 I don't think we engaged [REDACTED] 04:30:58PM

1 A. At what time? 04:36:52PM
2 Q. The February, March 2016 time 04:36:53PM
3 frame. 04:36:57PM
4 A. I don't entirely agree. 04:37:05PM
5 Q. Why do you disagree with what 04:37:07PM
6 Mr. Gudjonsson said? 04:37:09PM
7 MR. BAKER: I instruct the 04:37:11PM
8 witness not to answer on grounds of 04:37:12PM
9 attorney-client privilege and work 04:37:13PM
10 product. 04:37:14PM
11 Q. Are you going to follow the 04:37:18PM
12 instruction? 04:37:19PM
13 A. I am. 04:37:20PM
14 Q. I am going to ask you a series 04:37:20PM
15 of questions, I just have to make sure I 04:37:21PM
16 have the record here. 04:37:23PM
17 In the February, March 2016 04:37:24PM
18 time frame, did you look at [REDACTED] 04:37:25PM
19 logs? 04:37:29PM
20 A. I believe so. 04:37:31PM
21 Q. Did you look for evidence of 04:37:32PM
22 downloading activity? 04:37:33PM
23 A. I don't believe so. 04:37:40PM
24 Q. What about the network traffic 04:37:42PM
25 logs that you referred to in your 04:37:43PM

1 Somehow a spreadsheet got 05:00:49PM
2 populated with [REDACTED] log data. 05:00:51PM
3 Do you know who did that? 05:00:53PM
4 A. Okay. 05:00:54PM
5 This looks like my Timesketch 05:00:55PM
6 formatting and if you look in the query 05:01:03PM
7 field, that will show exactly the query 05:01:05PM
8 that was run to generate this result. 05:01:11PM
9 Q. And so did you create this body 05:01:14PM
10 of work? 05:01:18PM
11 A. I believe I did. 05:01:19PM
12 Q. Do you know? 05:01:21PM
13 A. I'd say I did. 05:01:24PM
14 Q. Are these -- 05:01:26PM
15 A. I should note, I absolutely 05:01:30PM
16 positively distrust all Excel formatting, 05:01:32PM
17 it bugs me, and sometimes the formatting 05:01:40PM
18 can be -- like -- yeah, for example, I 05:01:45PM
19 didn't do this in Excel, I did this in -- 05:01:51PM
20 on commands line and I output straight to 05:01:57PM
21 CSV. 05:02:01PM
22 But here, if this was a pure 05:02:02PM
23 dump and no formatting was altered, like 05:02:03PM
24 the first ten lines are right-justified, 05:02:06PM
25 which indicates to me some type of 05:02:08PM

1 formatting and not treatment of just raw 05:02:10PM
2 string and you can see that again down on 05:02:12PM
3 lines 22 through 27, so I am naturally 05:02:14PM
4 very distrustful of this spreadsheet put 05:02:19PM
5 in front of me. 05:02:21PM
6 Just want to note that. 05:02:25PM
7 Q. You think it is inaccurate? 05:02:26PM
8 MR. BAKER: Objection. 05:02:28PM
9 A. I think something is off, it is 05:02:28PM
10 not uniform; if it was just open, it would 05:02:31PM
11 be uniform. 05:02:33PM
12 MS. GOODMAN: Mark that as 05:02:51PM
13 1319. 05:03:02PM
14 (Exhibit 1319, Excel 05:03:02PM
15 spreadsheet from row 3048, was marked for 05:03:02PM
16 identification, as of this date.) 05:03:13PM
17 Q. I just have a simple question 05:03:13PM
18 on 1319. 05:03:15PM
19 I have pulled from the row 05:03:18PM
20 3048, there is this CCM cash, do you see 05:03:23PM
21 that? 05:03:29PM
22 A. I do. 05:03:33PM
23 Q. Do you know what that is? 05:03:34PM
24 A. I am not a Windows expert, I 05:03:34PM
25 have seen that on many a machine and I 05:03:37PM

1 A. It would seem that he wanted to 05:46:27PM
2 maintain access. 05:46:30PM
3 Q. And I think you might have 05:46:32PM
4 answered this during the earlier 30(b)(6), 05:46:33PM
5 but I want to make sure the record is 05:46:36PM
6 clear on this. 05:46:39PM
7 There is nothing that would 05:46:39PM
8 prevent Anthony Levandowski from 05:46:40PM
9 installing the TortoiseSVN software on a 05:46:43PM
10 personal laptop and then logging into the 05:46:46PM
11 Chauffeur SVN server remotely and 05:46:48PM
12 accessing it through his credentials? 05:46:52PM
13 MR. BAKER: Objection to form. 05:46:55PM
14 A. That seems technically feasible 05:46:59PM
15 based on what's been described to me. 05:47:01PM
16 Q. Have you ever worked with the 05:47:03PM
17 SVN repository before? 05:47:05PM
18 A. No. 05:47:07PM
19 Q. Have you been given any 05:47:08PM
20 training on how to evaluate operations on 05:47:10PM
21 the SVN server? 05:47:14PM
22 A. Can you be more specific? 05:47:18PM
23 Q. Do you have any special 05:47:19PM
24 certifications about it? 05:47:20PM
25 A. No. 05:47:21PM

1 Q. Have you ever set one up? 05:47:21PM
2 A. No. 05:47:24PM
3 Q. Have you ever reviewed log 05:47:24PM
4 files from the SVN server prior to this 05:47:25PM
5 case? 05:47:28PM
6 A. No. 05:47:29PM
7 Q. Have you ever been trained on 05:47:37PM
8 how to search for and review these log 05:47:38PM
9 files? 05:47:40PM
10 MR. BAKER: Objection to form. 05:47:45PM
11 A. I have received no formal 05:47:46PM
12 training in searching these logs, but I 05:47:47PM
13 will say my sole review of them seemed 05:47:50PM
14 pretty straightforward, like a regular -- 05:47:55PM
15 very similar to regular apache web log. 05:47:57PM
16 Q. Do you know what propfind is? 05:48:01PM
17 A. I am unfamiliar. 05:48:06PM
18 Q. Are you familiar with the 05:48:10PM
19 standard HTGP instructions? 05:48:11PM
20 A. Common ones, yes. 05:48:16PM
21 MR. CHATTERJEE: Let's mark 05:48:19PM
22 this as Exhibit 1322. 05:48:20PM
23 (Exhibit 1322, screen shot of 05:48:20PM
24 the SVN logs, was marked for 05:48:20PM
25 identification, as of this date.) 05:48:40PM

1 Q. What I've handed you is a 05:48:40PM
2 screen shot of the SVN logs. 05:48:42PM
3 In box 1, row 1, do you see 05:48:46PM
4 there is that propfind instruction? 05:48:50PM
5 A. I do. 05:48:54PM
6 Q. Do you know what that is? 05:48:55PM
7 A. I don't. 05:48:56PM
8 MR. BAKER: Counsel, can you 05:48:56PM
9 tell me, do you have the Bates number for 05:48:57PM
10 this? 05:48:59PM
11 MR. CHATTERJEE: Yes, it is off 05:49:01PM
12 of WAYMO-UBER 944, my apologies, I thought 05:49:03PM
13 it was on the screen shot, it isn't. 05:49:10PM
14 Q. What about options, do you know 05:49:12PM
15 what that is? 05:49:13PM
16 A. Not too familiar on that 05:49:17PM
17 either. 05:49:19PM
18 Q. You are familiar with a get 05:49:21PM
19 request, right? 05:49:23PM
20 A. I am. 05:49:24PM
21 Q. A get request isn't necessarily 05:49:25PM
22 just for downloading, it actually can be 05:49:27PM
23 for viewing and just accessing, right? 05:49:29PM
24 A. For the sake of access to data 05:49:36PM
25 and the argument of access to data, a 05:49:41PM

1 and enter HTTPS colon, slash slash 05:57:51PM
2 [REDACTED] slash SVN slash 05:58:06PM
3 Chauffeur-SVN. 05:58:13PM
4 Do you see that? 05:58:15PM
5 A. I do. 05:58:17PM
6 Q. Have you tried to access the 05:58:24PM
7 Subversion website yourself to see how it 05:58:27PM
8 works? 05:58:30PM
9 A. I have not, as I don't have a 05:58:31PM
10 business need to access those files. 05:58:33PM
11 Q. Would it have been important 05:58:49PM
12 for you to know how it works in offering 05:58:50PM
13 your opinions? 05:58:53PM
14 A. From -- I asked the 05:58:57PM
15 administrator my burning questions about 05:59:07PM
16 it, but as I said before, I had no 05:59:09PM
17 business need to touch those files and 05:59:13PM
18 would rather not play with live high value 05:59:16PM
19 data and get it onto my workstation. 05:59:20PM
20 That kind of speaks to what I 05:59:26PM
21 mentioned before, data access policies. 05:59:29PM
22 Q. Do you know what happens when 05:59:38PM
23 you follow this instruction in No. 3? 05:59:40PM
24 A. I would imagine it connects you 05:59:56PM
25 to the SVN. 05:59:58PM

C E R T I F I C A T I O N

I, Jineen Pavesi, a Registered Professional Reporter, Registered Merit Reporter, Certified Realtime Reporter and a Notary Public, do hereby certify that the foregoing witness, GARY BROWN, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

A handwritten signature in black ink that reads "Jineen Pavesi, RPR, RMR". The signature is written in a cursive, flowing style.

JINEEN PAVESI, RPR, RMR, CRR